

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA, Plaintiff, v. CHARLES ROLAND CHEATHAM, et al., Defendants.	NO. CR18-131RAJ ORDER CONTINUING TRIAL DATE
UNITED STATES OF AMERICA, Plaintiff, v. MICHAEL SCOTT MORGAN, et al., Defendants.	NO. CR18-132RAJ

Order Continuing Trial Date - 1
U.S. v. Cheatham, et al., CR18-131RAJ; U.S. v. Morgan, et al., CR18-132RAJ;
U.S. v. Beasley, CR18-144RAJ; U.S. v. Armstrong, CR18-145RAJ;
U.S. v. Shepard, CR18-147RAJ; U.S. v. Zeigler, CR18-161RAJ

UNITED STATES ATTORNEY
700 STEWART STREET, SUITE
5220
SEATTLE, WASHINGTON 98101
(206) 553-7970

This matter comes before the Court on the stipulated motion of the government and certain of the Defendants arraigned to date (as noted in the motion and as addressed at the hearing held on August 1, 2018) to continue the trial in this matter. Having considered the motion, any responses and objections, and all the files and records herein, and having conducted a hearing on August 1, 2018, the Court incorporates its oral findings set forth on the record and further finds and rules as follows:

The facts supporting continuing the trial and excluding the consequent delay are set forth in the Stipulated Motion to Continue, incorporated by this reference, and include the following: (a) the very large number of defendants charged; (b) the already large number of charged counts, which are likely to increase in an anticipated superseding indictment; (c) the number of related indictments; (d) the nature of the prosecution, which includes wiretaps over multiple phone lines; and (e) the volume of discovery produced, and still to be produced.

THIS COURT FINDS, pursuant to Title 18, United States Code, Section 3161(h)(7)(B)(i) and (ii), that this case is sufficiently unusual and complex, due the combination of the number of defendants, the nature of the prosecution, as well as the existence of novel questions of fact, that it is unreasonable to expect adequate

1 preparation by the parties for pretrial proceedings or for the trial itself by the current trial
2 date, or for the immediate future.

3 THE COURT THEREFORE FINDS that failure to grant the continuance in this
4 case would likely make the continuation of these related proceedings impossible and
5 result in a miscarriage of justice, because failing to continue this matter for a considerable
6 period of time would deny counsel for the parties the reasonable time necessary for
7 effective preparation, due to defense counsels' need for more time to review the
8 considerable volume of discovery and evidence produced, and still to be produced, and to
9 consider possible defenses and motions, taking into account the exercise of due diligence.

10 THE COURT FINDS, in light of these factors, that it is unlikely that the parties
11 can be reasonably ready to try this matter before May 6, 2019, at the earliest.

12 THIS COURT FINDS, pursuant to Title 18, United States Code, Section
13 3161(h)(6) and (7), that this is a reasonable period of delay in that the majority of the
14 defendants have indicated they require more time to prepare for trial. The Court finds
15 that given the complexity of the case, the number of defendants, and the volume of
16 discovery produced, and still to be produced, that more time is, in fact, necessary.

17 THIS COURT FINDS, therefore, that pursuant to Title 18, United States Code,
18 Sections 3161(h)(6) and 3161(h)(7), the ends of justice will best be served by a
19 continuance, and that they outweigh the interests of the public and the defendants in a
20 speedy trial. While six defendants have indicated that they object to a lengthier
21 continuance, even they admit that some continuance is likely necessary and appropriate.

22 THIS COURT FURTHER FINDS that all of the additional time requested
23 between the current trial date of and the new trial date of May 6, 2019, is necessary to
24 provide counsel for the defendants the reasonable time necessary to prepare for trial.

25 THE COURT FURTHER FINDS that the objections of Defendants Dominque
26 Jimerson, Martin Banks, Adam Smith, Michael Morgan, Bobby Beasley, and Cleophus
27 Shepard to a longer continuance are hereby overruled. Defendants in these related cases
28

1 are alleged to have conspired together. All of the related cases arise out of a common
2 investigation, including common wiretap applications and a common search warrant
3 application. It is well established that in multi-defendant cases, a reasonable trial
4 continuance as to any defendant tolls the Speedy Trial Act period as to all joined co-
5 defendants, even those who object to a trial continuance or who refuse to submit a waiver
6 under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(6).

7 NOW, THEREFORE, IT IS HEREBY ORDERED that the trial date will be
8 continued as to all Defendants in all of the related cases captioned above until May 6,
9 2019 at 9:00 a.m.

IT IS HEREBY ORDERED, that pretrial motions shall be filed pursuant to a joint case management order to be presented by the parties.

IT IS FURTHER ORDERED that the time between the date of this order and the new trial date of May 6, 2019, is excluded in computing the time within which a trial must be held pursuant to Title 18, United States Code, Section 3161, et seq.

15 DATED this 2nd day of August, 2018.

Richard D. Jones

The Honorable Richard A. Jones
United States District Judge